

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 281 - SB 1103

February 23, 2011

SUMMARY OF BILL: Expands the definition of “pecuniary benefit” used in bribery offenses to include an appointment to a membership, leadership, or chairmanship position on any committee, board, or other governmental body.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$25,100/Incarceration*

Assumptions:

- It is a Class B felony for a person to bribe a public servant. Bribery of a public servant includes offering or conferring any pecuniary benefit upon a public servant with the intent to influence the public servant’s vote, opinion, or judgment. It is also a Class B felony for a public servant to accept or agree to accept a bribe.
- It is a Class C felony for a person to bribe a juror by offering any pecuniary benefit with the intent to influence the juror’s vote or alternatively for a juror to solicit or accept any pecuniary benefit for a particular vote.
- It is a Class E felony for a public servant to request a pecuniary benefit for the performance of an official action knowing that he or she was required to perform that action without compensation or at a lower rate of compensation than was requested.
- According to information provided by the Department of Correction (DOC), there was one admission per year on average for the past 10 years for bribery of a public servant and one admission every other year on average for attempting to bribe a public servant. Estimate assumes an increase of one admission every five years for the Class B felony offense of bribery of a public servant as a result of the expanded definition in this bill.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. No significant incarceration cost increase will occur due to population growth in this period. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender every five years.
- According to DOC, the average operating cost per offender per day for calendar year 2011 is \$60.62. The average post-conviction time served for a Class B felony is 5.66 years (2,067.32 days). The cost per offender at 5.66 years is \$125,320.94 (2,067.32 days x \$60.62 = \$125,320.94). The annualized cost per conviction is \$25,064.19 (0.20 annual number of convictions x 2,067.32 days x \$60.62).

- Any cost for additional cases in the state trial courts can be accommodated within existing judicial resources without an increased appropriation or reduced reversion.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

/lsc